

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**February 25, 2002**

- C037032      THE PEOPLE v. ERICKSON      (Not for Publication)**  
The abstract of judgment is corrected to reflect that the total sum of defendant's presentence credit through sentencing on September 5, 1997, is 532 days rather than 531 days. So modified, the judgment is affirmed.  
CALLAHAN, J.  
We concur:    Sims, Acting P.J.  
                 Hull, J.
- C039457      THE PEOPLE v. DUNPHY      (Not for Publication)**  
The judgment is modified to reflect that the restitution fine imposed pursuant to section 1202.4, subdivision (b) is \$600, and the restitution fine imposed pursuant to section 1202.45 and stayed unless parole is revoked also is \$600. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect these modifications, and to send a certified copy of the amended abstract to the Department of Corrections.  
SCOTLAND, P.J.  
We concur:    Davis, J.  
                 Robie, J.
- C035564      THE PEOPLE v. TONEY      (Certified for Publication)**  
THE COURT:  
The opinion of this court filed January 30, 2002, in the above entitled case is modified as follows:...As modified, the judgment is not changed. The petition for rehearing is denied.  
BY THE COURT:  
                 Scotland, P.J.  
                 Blease, J.  
                 Callahan, J.
- AMENDED**
- C037214      THE PEOPLE v. WEST**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
SCOTLAND, P.J.

**February 26, 2002**

At 9:31 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Davis, Acting Presiding Justice; Morrison, Associate Justice; Kolkey, Associate Justice; and Rios, Bailiff. Calendar Called.

- C035632      THE PEOPLE v. BIRD**  
Cause called. Dennis P. Riordan argued for appellant. Julia L. Bancroft, Deputy Attorney General, argued for respondent. Cause submitted.

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At 10:08 a.m., the court recessed. At 10:14 a.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson and Associate Justice Morrison.

**C037556 THE PEOPLE v. COLEY**

Cause called. Thomas O. Gillis argued for appellant. Aaron R. Maguire, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:43 a.m., the court recessed. At 10:47 a.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Raye and Associate Justice Hull.

**C036829 WONG v. BOARD OF DENTAL EXAMINERS OF THE STATE OF CALIF.**

Cause called. William J. Gorham, III, argued for appellant. Jana L. Tuton, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:19 a.m., the court recessed until 9:30 a.m., Monday, March 18, 2002.

**C038426 THE PEOPLE v. FLORES, JR. (Not for Publication)**

The judgment is affirmed.

NICHOLSON, J.

We concur: Blease, Acting P.J.  
Callahan, J.

**C038562 THE PEOPLE v. SHIELDS (Not for Publication)**

The judgment is reversed.

ROBIE, J.

We concur: Blease, Acting P.J.  
Hull, J.

**C038673 THE PEOPLE v. LUKE (Not for Publication)**

The judgment is modified by striking the \$500 restitution fine imposed by the trial court on June 12, 2001, and reducing the parole revocation fine from \$500 to \$200. The \$200 restitution fine imposed on February 22, 2000, remains in effect. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections.

NICHOLSON, J.

We concur: Blease, Acting P.J.  
Sims, J.

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**February 26, 2002, continued**

- C039241      THE PEOPLE v. HAMMERLY      (Not for Publication)**  
The judgment is affirmed.  
                                 KOLKEY, J.  
We concur:      Sims, Acting P.J.  
                                 Callahan, J.
- C036061      TENET HEALTHSYSTEM HOSPITALS, INC. v. MEMORIAL HOSPITALS ASSOCIATION      (Not for Publication)**  
The judgment is affirmed. Costs on appeal awarded to Memorial.  
                                 NICHOLSON, J.  
We concur:      Blease, Acting P.J.  
                                 Callahan, J.
- C036185      GOTSCHALL v. DALEY      (Certified for Publication)**  
The order granting relief from dismissal is reversed. The trial court is directed to enter judgment in defendant's favor. Defendant shall recover her costs on appeal. (CERTIFIED FOR PUBLICATION.)  
                                 NICHOLSON, J.  
We concur:      Sims, Acting P.J.  
                                 Hull, J.
- C038858      M.P. ALLEN GENERAL CONTRACTORS, INC. v. KERVIN      (Not for Publication)**  
The order is affirmed. Respondent's motion for sanctions and appellant's request for judicial notice are denied. Respondent shall recover costs on appeal.  
                                 NICHOLSON, J.  
We concur:      Blease, Acting P.J.  
                                 Callahan, J.
- C038140      In re DONALD C. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. SHANNON C.      (Not for Publication)**  
The orders are affirmed.  
                                 KOLKEY, J.  
We concur:      Blease, Acting P.J.  
                                 Hull, J.
- C039128      In re CHARLES O. et al.; DEPARTMENT OF SOCIAL SERVICES v. VALLIANT G.      (Not for Publication)**  
The juvenile court's order is affirmed.  
                                 BLEASE, Acting P.J.  
We concur:      Sims, J.  
                                 Nicholson, J.

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**C033740      LEAGUE TO SAVE SIERRA LAKES et al. v. EL DORADO COUNTY WATER AGENCY et al.      (Not for Publication)**  
Because the League has failed to demonstrate why the amended rule should be applied retroactively, the petition for rehearing is denied.  
BY THE COURT:  
Scotland, P.J.  
Raye, J.  
Callahan, J.

**C035920      FEIGHT v. THULIEN**  
BY THE COURT:  
Respondent's petition for rehearing is denied.  
SCOTLAND, P.J.

**February 27, 2002**

**C035853      THE PEOPLE v. McCREE      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We concur:    Sims, Acting P.J.  
Callahan, J.

**C036904      THE PEOPLE v. MONTES      (Certified for Publication)**  
The judgment is modified by striking the section 186.22 (b)(1) enhancement and imposing the 15-year minimum parole eligibility provision mandated by section 186.22(b)(5). As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modifications, and to forward a certified copy of the amended abstract to the Department of Corrections.  
SCOTLAND, P.J.  
We concur:    Blease, J.  
Callahan, J.

**C037419      THE PEOPLE v. ODELL      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We concur:    Blease, Acting P.J.  
Callahan, J.

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**C038083**

**THE PEOPLE v. CARRANZA (Not for Publication)**

The judgment is reversed, and the matter is remanded to the trial court for the limited purpose of conducting further proceedings consistent with this opinion.

If the trial court concludes defendant did not know of the sex offender registration requirement and would not have entered his no contest plea had he been advised of that requirement, the court shall allow defendant to withdraw his plea and shall reinstate all of the charges against him.

If defendant fails to establish that he did not know of the sex offender registration requirement and would not have entered his no contest plea had he been advised of that requirement, the trial court shall reinstate the judgment with two additions: It shall order defendant to register as a sex offender (§ 290) and pay the mandatory sex offender fine of \$200 (§ 290.3) plus penalty assessments.

SCOTLAND, P.J.

We concur: Blease, J.  
Nicholson, J.

**C039112**

**THE PEOPLE v. WARREN (Not for Publication)**

The judgment is affirmed. The phrase "in an amount and manner to be determined by District Attorney" is ordered stricken from the clerk's minutes and from the abstract of judgment, and the case is remanded to the trial court for further proceedings on the issue of victim restitution.

ROBIE, J.

We concur: Blease, Acting P.J.  
Hull, J.

**C033990**

**COALITION FOR ALTERNATIVES FO KIEFER LANDFILL v. CITY OF CITRUS HEIGHTS et al. (Not for Publication)**

The judgment is affirmed.

HULL, J.

We concur: Raye, Acting P.J.  
Callahan, J.

**C035906**

**JAKUBOWSKY v. MCI TELECOMMUNICATIONS CORPORATION et al. (Certified for Publication)**

The order granting plaintiff's motion to vacate summary judgment is reversed. Defendants shall recover their costs. (CERTIFIED FOR PUBLICATION.)

CALLAHAN, J.

I concur: Morrison, J.  
I concur in the result: ...  
Nicholson, J.



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**C035947      In re V.C.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
C037455      HUMAN SERVICES v. S.P. and R.P. et al.**

**(Not for Publication)**

The orders of the juvenile court are affirmed.

RAYE, J.

We concur:      Scotland, P.J.

Blease, J.

**C036557      In re ERICK S.; THE PEOPLE v. ERICK S.**

**(Not for Publication)**

The term of three years imposed by the juvenile court for the section 186.22, subdivision (b)(1) enhancement is stricken. As modified, the judgment is affirmed.

SCOTLAND, P.J.

We concur:      Davis, J.

Morrison, J.

**AMENDED**

**C036273      LEE v. GALT VENTURE LIMITED, et al.  
C037128      BY THE COURT:**

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.

**February 28, 2002**

**C032472      THE PEOPLE v. FUNSTON      (Not for Publication)**

The conviction on count fourteen is reversed. All other convictions are affirmed. The sentence is modified to eliminate the consecutive midterm imposed on count fourteen. The trial court is directed to amend the abstract of judgment to reflect the foregoing and to indicate a concurrent term imposed on count three. The court is further directed to forward a copy of the amended abstract to the Department of Corrections. As so modified, the judgment is affirmed.

HULL, J.

I concur:      Morrison, J.

I concur in the opinion except for part V, to which I concur in the result.

Sims, Acting P.J.

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**February 28, 2002, continued**

- C034939      THE PEOPLE v. HUNTER      (Certified for Publication)**  
The judgment is modified to impose a \$50 criminal laboratory analysis fee, a \$50 state penalty assessment and a \$35 county penalty assessment. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting these modifications, and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.  
MORRISON, J.  
We concur:    Scotland, P.J.  
                  Sims, J.
- C035125      THE PEOPLE v. GAINES      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur:    Blease, Acting P.J.  
                  Hull, J.
- C037114      THE PEOPLE v. McGARRY      (Certified for Partial Publication)**  
The judgment is reversed and the matter is remanded to the trial court. The trial court is directed to vacate the conviction and sentence for assault, and to vacate its December 13, 2000 order regarding the allocation of defendant's \$3,420 monetary credit. The trial court is directed to proceed thereafter to resentence defendant on the conviction for battery and to allocate the \$3,420 monetary credit in compliance with section 2900.5(a). **(CERTIFIED FOR PARTIAL PUBLICATION.)**  
ROBIE, J.  
We concur:    Scotland, P.J.  
                  Callahan, J.
- C038004      THE PEOPLE v. MASTERS      (Certified for Partial Publication)**  
The judgment of conviction is affirmed. The matter is remanded to the trial court with directions to impose the mandatory criminal laboratory analysis fee and assessments which accompany defendant's conviction of possession for sale of a controlled substance. The trial court shall then prepare an amended abstract of judgment and forward a certified copy thereof to the Department of Corrections. **(CERTIFIED FOR PARTIAL PUBLICATION.)**  
MORRISON, J.  
We concur:    Sims, Acting P.J.  
                  Hull, J.
- C038240      THE PEOPLE v. WALSH      (Not for Publication)**  
The judgment is affirmed.  
CALLAHAN, J.  
We concur:    Sims, Acting P.J.  
                  Kolkey, J.



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- C030874      AEROJET-GENERAL CORPORATION v. AMERICAN EXCESS INSURANCE CO. et al.      (Certified for Publication)**  
The judgment is affirmed. Defendants are awarded their costs on appeal. (Cal. Rules of Court, rule 26(a).)  
KOLKEY, J.  
We concur:    Sims, Acting P.J.  
                 Callahan, J.
- C034631      FUNSTON v. LUCIDO      (Not for Publication)**  
The judgment is affirmed. Defendant shall recover his costs on appeal. (Cal. Rules of Court, rule 26.)  
KOLKEY, J.  
We concur:    Nicholson, Acting P.J.  
                 Hull, J.
- C035040      AEROJET-GENERAL CORPORATION v. INDUSTRIAL UNDERWRITERS INSURANCE COMPANY et al.      (Not for Publication)**  
The judgment is affirmed. The insurers who are parties to this appeal, as set forth in our Introduction, shall recover their costs on appeal.  
SIMS, Acting P.J.  
We concur:    Nicholson, J.  
                 Kolkey, J.
- C035673      GUNTHER v. CITY OF SACRAMENTO      (Not for Publication)**  
The judgment is affirmed. Defendant is awarded its costs on appeal. (Cal. Rules of Court, rule 26(a).)  
KOLKEY, J.  
We concur:    Callahan, Acting P.J.  
                 Hull, J.
- C036441      GRANT v. RUTLEDGE      (Not for Publication)**  
The judgment is affirmed. Each side shall bear its own costs of this appeal.  
MORRISON, J.  
We concur:    Blease, Acting P.J.  
                 Raye, J.
- C038019      BONNELL v. MEDICAL BOARD OF CALIFORNIA      (Certified for Partial Publication)**  
The judgment is reversed. Appellant is entitled to his costs on appeal.  
(CERTIFIED FOR PARTIAL PUBLICATION.)  
BLEASE, Acting P.J.  
We concur:    Sims, J.  
                 Morrison, J.

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**February 28, 2002, continued**

- C035720      In re D.K.; THE PEOPLE v. D.K.      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We concur: Scotland, P.J.  
Sims, J.
- C037506      In re JUAN R.; THE PEOPLE v. JUAN R.**  
**C037507      In re SERGIO R.; THE PEOPLE v. SERGIO R.      (Not for Publication)**  
The juvenile court's orders are affirmed.  
SCOTLAND, P.J.  
We concur: Callahan, J.  
Hull, J.
- C038009      In re TYLER C. et al.; DEPARTMENT OF SOCIAL SVCS. v. DEBORAH M.      (Not for Publication)**  
The order denying mother reunification services is reversed and the matter is remanded to the trial court so that reasonable reunification services may be ordered for mother.  
MORRISON, J.  
We concur: Sims, Acting P.J.  
Davis, J.
- C039104      In re EARLENE B.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. BILLY B.      (Not for Publication)**  
The order terminating appellant's parental rights is reversed and the matter is remanded for a new section 366.26 hearing after appellant is served properly with notice in accordance with statutory requirements.  
MORRISON, J.  
We concur: Scotland, P.J.  
Raye, J.
- C036907      THE PEOPLE v. GILHULA      AMENDED**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
DAVIS, Acting P.J.

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**March 1, 2002**

**C037493 CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION, INC. v.  
CALIFORNIA DEPARTMENT OF CORRECTIONS et al.**

**(Certified for Publication)**

THE COURT:

The opinion in the above-entitled matter filed on January 31, 2002, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

FOR THE COURT:

Sims, Acting P.J.  
Nicholson, J.  
Morrison, J.